

September 27, 1988

| <u>CONSENT AGENDA:</u> Items 2, 3, 4, 5 | <u>Page</u> |
|---|-------------|
| Approved authorization for Mayor to sign a lease for classroom space fo Special Education Class | 1 - 2 |
| Waiver Rule 5 - Tabled motion to set Public Hearing for the Lyman Hall High School Vocational - Agricultural Building Expansion Committee which is requesting a bond of \$1,000,000. | 2 |
| Waiver Rule 5 - Discussion of CRRA Bank of Japan Financial Letter | 2 - 3 |
| Discussion concerning parcel of land in Wallingford accessible only from Durham | 3 - 5 |
| Adopted AN ORDINANCE AMENDING ORDINANCE NO. 363 BY DELETING THE DEFINITION OF INTENSIVE VEHICULAR TRAFFIC. | 5 - 6 |
| Public Question and Answer Period | 6 - 7 |
| Correspondence | 7 - 8 |
| Executive Session | 8 |
| Approved motion that the Town Attorney sign the Stipulation of Judgement, donated September 19, 1988 in the case of Town of Wallingford et al vs. State Traffic Commission et al. | 8 |
| Waive Rule 5 to discuss funds for the Committee to Investigate Purchasing Practices | 8 |
| Approved motion to authorize Mayor, with the Comptroller's consent, to transfer \$200 from Secretarial Wages Account to an Account for the Secretary for the Subcommittee doing the Investigation of the Board of Education Purchasing Practices. | 9 |
| Meeting Adjourned | |

AGENDATOWN COUNCIL MEETING

Tuesday, September 27, 1988

6:30 P.M.

1. Roll call and Pledge of Allegiance to Flag.
2. Consider and approve transfer of \$860.00 to fund Landfill Overtime Account - Public Works Department.
3. Consider and approve Merit Increases for 2 employees of the Electric Division.
4. Consider and approve Tax Refunds in the amount of \$4,235.07.
5. Consider and approve a transfer of \$2,500 to cover Secretarial Expenses for Roof Replacement/Underground Fuel Storage Tank Removal/Replacement Committee.
6. PUBLIC QUESTION AND ANSWER PERIOD - 7:30 P.M.
7. PUBLIC HEARING on an Ordinance Amending Ordinance No. 363 by Deleting the Definition of Intensive Vehicular Traffic. 7:45 P.M.
8. Authorization for Mayor to Sign a Lease for Classroom Space for Special Education Class.
9. Discussion Concerning Parcel of Land in Wallingford, but Accessible only from Durham.
10. Correspondence.
11. Executive Session - Settlement of Claim - Requested by Town Attorney Adam Mantzaris.

TOWN COUNCIL MEETING

SEPTEMBER 27, 1988

6:30 p.m.

A regular meeting of the Wallingford Town Council was held in Council Chambers, called to order at 6:45 p.m. by Chairman Albert E. Killen. Answering present to the roll called by Town Clerk Kathryn J. Wall were Council Members Bradley, Doherty, Holmes, Papale, Parisi, Solinsky, Zandri and Killen. Also present were Mayor William W. Dickinson, Jr., Adam Mantzaris, Town Attorney, and Thomas A. Myers, Comptroller.

The Pledge of allegiance was given to the flag.

A motion was made by Mr. Doherty to have the following items placed on the Consent Agenda, to be voted upon as a block by one unanimous vote:

ITEM 2. Consider and Approve Transfer of \$860.00 to Fund Landfill Overtime Account - Public Works Department.

ITEM 3. Consider and Approve Merit Increases for 2 Employees of the Electric Division.

ITEM 4. Consider and Approve Tax Refunds in the Amount of \$4,235.07.

ITEM 5. Consider and Approve a Transfer of \$2,500 to Cover Secretarial Expenses for Roof Replacement/Underground Fuel Storage Tank Removal/Replacement Committee.

Mr. Doherty's motion was seconded by Mr. Holmes.

VOTE: Adams was absent for vote; all other ayes; motion duly carried.

A motion was made by Mr. Holmes to move up Item 8, seconded by Mr. Parisi.

VOTE: Adams was absent for vote; all other ayes; motion duly carried.

(Mr. Adams arrived at 6:50 p.m.)

ITEM 8. Authorization for Mayor to Sign a Lease for Classroom Space for Special Education Class, moved by Mrs. Papale and seconded by Mr. Parisi.

Mr. Killen stated that it is his understanding in the past this has been done by the Superintendent of Schools. This is the first time, for whatever reason, they also want the Mayor to sign, although it should be brought before the Council.

Town Council Meeting

- 2 -

September 27, 1988

Mayor Dickinson said as you pointed out, now the State wants my signature on it and I don't think I can sign for the Council. He further clarified that for any department where municipal space is to be used by outside parties for any purpose outside of the dictated duties of the department, it will require Council approval.

Mr. Killen agreed he would read the Charter the same way.

Mayor Dickinson stated it was important for everyone to remember that that's probably the most proper way of reading the responsibilities of the departments, the Council and the Mayor's office.

A question was raised by Mr. Zandri regarding the term of the lease.

Mr. Killen said his interpretation was that the lease was for one year and that later on they had the option of a second year.

VOTE: Mr. Doherty passed; all other ayes; motion duly carried.

Motion made by Mrs. Papale To Waive Rule V to Set a Public Hearing Date for the Lyman Hall High School Vocational-Agricultural Building Expansion Committee. They are requesting a bond of \$1,000,000. Seconded by Mr. Parisi.

VOTE: Mr. Doherty passed; all other ayes; motion duly carried.

Motion made by Mrs. Papale to Set a Public Hearing Date for Tuesday, September 27, at 7:45 for the Lyman Hall High School Vocational-Agricultural Building Expansion Committee Which is Requesting Requesting a Bond of \$1,000,000; 855,000 for the Building and \$145,000 for Equipment for Expansion of the VO-AG Program. Seconded by Mr. Parisi.

Mayor Dickinson and Thomas Myers, Comptroller, were unaware of the request for a bond.

Mr. Killen stated he found this disturbing and had assumed this was being funneled through the Mayor's office and the Comptroller's office because that would be the normal routine. He was not aware that had not been done.

Mrs. Papale stated the Committee members would be here later and suggested the matter be tabled. Mr. Killen agreed.

Motion was made to table this item by Mr. Holmes, seconded by Mrs. Papale.

VOTE: Mr. Doherty passed; all other ayes; motion duly carried.

Motion was made by Mr. Bradley to Waive Rule V to Discuss the CRRA Bank of Japan Financial Letter, seconded by Mr. Zandri.

VOTE: Unanimous ayes; motion duly carried.

Mr. Holmes questioned whether this was something that should be discussed in Executive Session?

Mr. Bradley said not as far as he was concerned. Mr. Bradley continued that he was concerned about what he was reading in the Record Journal and the information coming from the town of Meriden regarding the financial state of the trash plant, CRRA, Bank of Japan, and also the bankruptcy proceedings as far as Vicon. Although the town of Wallingford has its own representative, Phil Hamel, it seems all the information is coming from Meriden. One of the articles stated that on September 22 a letter was issued to the municipal officials involved in the consortium. In the letter it was stated that there would be a meeting next week with the municipal officials fully explaining the situation and the options that are now being faced. Mr. Bradley requested a copy of the letter be made available to the Council.

Mr. Bradley then requested that a Council representative or Council member attend that meeting along with other officials.

Mayor Dickinson responded that he would see to it that the Council received a copy of the September 22 letter. He further stated that no definite meeting date had been set. He has already talked with Mr. Killen regarding his attendance at the meeting. The problem is most of the meeting will be in Executive Session so it is questionable whether he would be able to attend.

Mr. Killen stated that if it was at all possible he would attend.

ITEM 9. Discussion Concerning Parcel of Land in Wallingford Accessible Only from Durham, moved by Mrs. Papale, seconded by Mr. Parisi.

Joseph Borkowski, 23 Cedar Street, Middletown, and Russell Smith, Sperry Road, Bethany, made a presentation regarding a parcel of land in Wallingford (approximately 50 acres) that is only accessible from Power Hill Road in Durham. Road access from Wallingford is impossible due to the location of the property.

Mr. Borkowski stated he was an attorney and Russell Smith was a potential developer of this property. He also stated that they were there on behalf of the owner of the property, Henry Bugai, Power Hill Road, Durham.

The owner of the property wants to develop the property, but cannot obtain building permits from Wallingford because the regulations require access from town roads. The owner and developer are proposing one of the following:

1. Change in regulations to allow development.
2. Change in the town boundaries to allow acquisition of the piece of property in Durham.

3. Payment to the owner for taking of the development right in the property.
4. Acquisition of the piece of property for municipal use.

Mr. Holmes stated he would be more in favor of exploring a cooperation agreement with the town of Durham for fire services, snow plowing, etc., rather than just re-deeding the land to Durham and giving up 50 acres of the town. The town of Durham would be compensated for the services provided. Durham has had this problem before and that's exactly what they did.

Mr. Zandri stated he was concerned about the watershed in that area. He also stated there was a concern in this town for preserving land and that maybe they should look into purchasing it.

Mr. Borowski assured the Council there would be no hazard to the existing watershed.

Ron Gregory, 59 Hill Avenue, Yalesville, commented that as a resident of Wallingford he would be thrilled if the property was never developed. He suggested Wallingford buy it as landlocked property at a very reasonable price or just not allow it to be developed. He also suggested Mr. Borkowski first go to Durham to see how they feel about this.

Edward Musso, 56 Dibble Edge Road, agreed with Ron Gregory.

Shirley Lagerstron, 55 Grieb Road, pointed out that the property belongs to Mr. Bugai not the town and that he should have the right to give the land to Durham if that's what he chooses to do.

Mr. Bradley stated as far as Option #4 he wouldn't be in favor of the town acquiring the property. He suggested the proposal go through the normal process whether it be ZBA or Planning & Zoning and let it take due course from there.

Mr. Parisi agreed with Mr. Bradley that it should follow the normal process and exhaust those avenues first.

Mr. Borkowski stated we have no problem with that. We were put on your agenda tonight because the Mayor thought it prudent to put the issue before you.

Mrs. Papale also agreed it should be back to the Planning Commission.

Mr. Zandri pointed out that this could go before Planning & Zoning and the Appeals Board and end up right back where we are this evening. If it does go through normal channels and its back here, we're going to have to make a decision at that point whether the town is really interested in purchasing this piece of land.

Mr. Doherty said if it does get back here a second time we'd like some input from the officials in Durham.

Mr. Solinsky stated he didn't think the town of Wallingford was ready to purchase this land and these people are obviously being stopped from using it. If that could be straightened out, it would be a Planning & Zoning decision.

Mayor Dickinson stated there would be problems if the town of Wallingford was required to provide services to that area.

Mr. Holmes again stated he would like to see a cooperation agreement with Durham if it went that far. That certainly sounds like a better way to go than sending all our service vehicles out to that particular roadway.

Mr. Killen concluded that Mr. Borkowski and company should go back before Planning & Zoning and try to work something out. He also suggested that Mr. Borkowski contact the town of Durham and get some input from the governing body there.

Mr. Borkowski thanked the Council for the expeditious manner in which this issue was handled.

ITEM 7. Discussion of an Ordinance Amending Ordinance No. 363 by Deleting the Definition of Intensive Vehicular Traffic, moved by Mr. Parisi, seconded by Mr. Doherty.

Mr. Killen stated instead of stating that intense vehicular traffic was over 1,000 car per day, each road should be decided on an individual basis.

Mr. Zandri agreed. For example, the Merritt Parkway could be considered a scenic road and yet it is heavily traveled, so you have to use a certain amount of judgment on the road itself and then you have to use your own judgment on whether you feel the traffic warrants the condition of the road. And that's why the number of vehicles is being eliminated and each specific case is going to have to be looked at individually.

Mr. Doherty stated that we looked at six other towns: Hamden, Woodstock, North Stonington, Redding, New Milford and Ledyard that had scenic ordinances. In each one of these instances they go with the state regulations and the statute there and just say free from intensive commercial development and intensive vehicular traffic. None of them goes into defining either one of those particular terms. It leaves it up to the individual town.

Mr. Killen stated one of the things you have to realize though, and I want to make sure you understand this, this Council will decide whether its a scenic road or not, and in so doing you will then prevent reconstruction improvements on that road. If one of the things you're going to do is prevent reconstruction, you have to ask why would they want to reconstruct it or rebuild it in the first place. Normally it has to do with traffic. That's one of the other yardsticks we have to use here.

Mr. Zandri pointed out that even though a road could be labeled scenic, it would not necessarily prevent improvements to that road. I want to make sure everybody understands that. Because if a road is labeled scenic and we feel that improvements are necessary for the safety of the general public on that road we can pass that those improvements be made.

Mr. Killen agreed. The problem's going to be when this particular group has to decide that although XYZ street is scenic, it still needs improvement. And then the public is going to say but under the scenic routine you're not supposed to make improvements. And then you've got a catch-22 situation.

Mr. Doherty said I think safety will overrule scenic. It's got to in every situation. And I think future Councils will realize that safety is the most important thing.

Mr. Holmes stated I don't have any problem voting for this ordinance as long as the town reserves its right to make any improvements.

Mrs. Papale questioned where the figure 1,000 came from.

Mr. Killen stated and Mr. Zandri agreed that it came from Mr. Costello's office to be used as a guideline.

Shirley Lagerstrom stated she would like to see the Council do what the rest of the state has done and leave it up to your common sense to decide whether a road

is scenic or not. She also agreed that you could make improvements to a scenic road as far as resurfacing or repairing potholes, but not widening the road another 10 feet or 15 feet.

Carolyn Massoni, 41 Hills View Road, questioned whether an amended ordinance has to be advertised in the newspaper in full.

Adam Mantzaris, Town Attorney, responded that only the part that was amended would have to be advertised.

Edward Musso agreed that safety was very important and was in favor of the ordinance change.

Henry Renfrew, 25 Audette Drive, spoke in the favor of the ordinance change.

VOTE: Unanimous ayes; motion duly carried.

PUBLIC QUESTION AND ANSWER

Carolyn Massoni questioned why an amendment to the sidewalk ordinance was published in its entirety and the cost involved. She stated this has happened before and the Council should be more careful in the future. She also questioned whether Mr. Bradley had received the three quotes from the Town Clerk.

Mr. Bradley responded yes but because of outside time restraints he did not have a chance to meet with the Town Clerk on this. He would probably get down there this week or the beginning of next week.

Carolyn asked if it would come back before the Council for discussion.

Mr. Bradley responded it most likely would.

Ron Gregory questioned why the front doors are locked on the night of the Council meetings. He also questioned whether improvements would be made to that section of South Cherry Street that goes past Ball Road. If CRRA is the owner than why wasn't CRRA told to make improvements to this road?

Mayor Dickinson responded that the principal access to the building was off of Prince Street and that was were the handicapped access was.

Mr. Killen responded that as far as South Cherry Street was concerned, first they would find out who owned the road and take it from there.

Ron Gregory also requested a copy of a letter referred to in the Record Journal from the Bank of Japan concerning the new operator of the trash plant. He also stated he found it peculiar that the town of Meriden is discussing this letter on the front page of the newspaper but there's nothing coming from our Mayor or the Council.

Mayor Dickinson stated he would get a copy to him.

Edward Musso requested that the upper Prince Street door be unlocked during other meetings.

Bob Avery, 70 Masonic Avenue, stated the operator of the landfill is taking the garbage that is brought in by individuals, putting it in dumpsters, and weighing it. He wanted to know who is paying for this?

Mayor Dickinson stated that no one is paying for it at this point.

Bob Avery stated it was his understanding that CRRA is being charged for this. Are they doing this out of the goodness of their heart, are they charging the plant operation or are they charging the town of Wallingford?

Mayor Dickinson said he had no knowledge of the charging of any individuals and that they may be keeping track of how much is coming in from individuals for statistical purposes.

Bob Avery questioned what part of the landfill did the town retain. He also asked if there would be Council representation at the CRRA meeting next week. He stated that the ad hoc member, Attorney Lockman, has only been to one meeting and he felt the town should have better representation.

Mr. Killen responded he thought it was the southern section but was not sure. He would get back to him.

Mayor Dickinson again stated that Mr. Killen would be at the meeting if at all possible.

Mr. Bradley asked the Mayor if ad hoc members could attend executive sessions.

Mayor Dickinson responded that Attorney Lockman is representing the town on the Board of Directors of CRRA and that the Policy Board is a separate group that governs the project.

ITEM 10. Correspondence

Mr. Zandri withdrew his letter on Wallingford's Recycling Efforts.

Mrs. Papale read the following into the record:

Dear Council Members:

This letter is to reply to the Council's questions concerning the Mayor's Council on Substance Abuse Prevention budget for 1988-89. There was some question regarding one of the expenditure line items, specifically the line entitled - Gifts, Prizes in the Amount of \$2,500.

Surrounding communities have sponsored a safe graduation party for their senior class in the past year and related to me that good door prizes and raffles can provide an incentive for students to attend. The Mayor's Council is hoping for donations of cash and prizes and has included this in the expenditure account. Thank you for your consideration in this matter.

Sincerely,

Marty Barracato-Camire
Wallingford Youth Services Bureau

Motion was made by Mrs. Papale to go into Executive Session for the reason to make settlement of a claim, seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried and the meeting moved into Executive Session at 8:30 p.m.

EXECUTIVE SESSION

Motion was made by Mrs. Papale to move out of Executive Session, seconded by Mr. Parisi.

VOTE: Unanimous ayes; motion duly carried and the meeting moved out of Executive Session at 9:00 p.m.

Motion was made by Mr. Parisi that the Town Attorney sign the Stipulation of Judgment, dated September 19, 1988, in the case of Town of Wallingford et al vs. State Traffic Commission et al. Seconded by Mr. Bradley.

VOTE: Unanimous ayes; motion duly carried.

Motion was made by Mr. Parisi to Waive Rule V to Discuss Funds for the Committee to Investigate Purchasing Practices, seconded by Mr. Holmes.

VOTE: Unanimous ayes; motion duly carried.

Mr. Parisi requested funds for the Committee to Investigate Purchasing Practices to be used for the transcription of tapes similar to what is done at Council meetings.

Motion was made by Mr. Holmes to Authorize the Mayor, with the Comptroller's consent, to Transfer \$200 from the Secretarial Wages Account to an Account for the Secretary for the Subcommittee Doing the Investigation of the Board of Education Purchasing Practices.

VOTE: Mr. Doherty passed; all other ayes; motion duly carried.

Motion to adjourn was made by Mr. Doherty, seconded by Mr. Bradley.

VOTE: Unanimous ayes; motion duly carried.

Meeting adjourned at 9:20 p.m.

Meeting recorded and transcribed by:
Katrina M. Manley, Council Secretary

Approved: Albert E. Killen
Albert E. Killen, Chairman

10-11-88
Date

Kathryn J. Wall
Kathryn J. Wall, Town Clerk

10-11-88
Date

FD
0
0
M

L
P
O
M

O
L
P
S
S
V
S
O
O
M

F
C
A